IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1342 OF 2005

Sharadchandra Govind Joshi..... Petitioner.

Versus

Sou.Nilima Bhalchandra Bhide & Ors.... Respondents.

Mr. N. V. Bandiwadekar for the Petitioner.

Mr. Tejpal Ingale for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 9TH JUNE, 2005.

P.C.:

Rule.

2. Mr. Ingale, learned Counsel, appears and waives service of Rule on behalf of the Respondents.

3. Rule made returnable forthwith and heard by consent.

4. The Respondent No.1 has sued the Petitioner for partition of the suit property. The Petitioner has filed a written statement that the suit property

belongs to his father. Later on, he applied for production of public record which appear to show that the property had in fact been purchased by the father in the name of the Petitioner. He also sought production of a property card.

5. The lower appellate Court has rejected the application. As regards the refusal to allow the production of the property card, I see no error since same has been produced earlier. However, there is no reason why the Petitioner ought not to have been allowed to produce the record pertaining to public auction held in the year 1947 which in all probability he discovered much later.

6. Without commenting on the authenticity or genuineness of the said document, I consider it appropriate in the interest of justice to allow the Petitioner to produce the document which is in the nature of list from the Government record indicating the names of the purchasers who purchased the properties in public auction.

7. In view of the above, Rule is made absolute to the extent indicated above. Writ Petition is disposed of,

accordingly. No order as to costs.

8. The appellate Court is requested to decide the appeal as expeditiously as possible and in any case not later than six months from the date the parties appear before it. The parties are directed to appear before the appellate Court on 27th June, 2005.

Sd/-

(S. A. BOBDE, J.)